

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DORA SOLARES,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 1:20-cv-00323-JLT-BAM

**ORDER ON DEFENDANT BURNES'S
MOTION FOR ADMINISTRATIVE
RELIEF TO EXTEND DEADLINE TO
RESPOND TO DISCOVERY REQUESTS**

(Doc. 61)

On September 11, 2023, Defendant Joseph Burnes's ("Defendant Burnes") counsel filed a motion for administrative relief regarding extension of time to respond to Plaintiff's discovery requests. (Doc. 61.) On August 18, 2023, Plaintiff Dora Solares ("Plaintiff") sent Defendant Burnes three sets of written discovery requests: one set of Requests for Production, one set of Requests for Admission, and one set of Interrogatories. (*Id.* at 6.) On August 23, 2023, Plaintiff sent Defendant Burnes a second set of Requests for Production. (*Id.* at 8.) In this motion, Defendant's counsel notes that he "requires time to gather information and documents from Defendant and the California Department of Corrections and Rehabilitation (CDCR), and to provide substantive responses" to Plaintiff's 66 requests. (*Id.* at 3, Duggan Decl. ¶ 5.) Defendant Burnes argues that Plaintiff will not be prejudiced as the discovery stay was only recently lifted after resolution of Defendant Burnes's motions to dismiss, and no scheduling order has been

1 entered. (*Id.* at 2.) Defendant Burnes requests that responses to Plaintiff's requests sent on
2 August 18 would be due on October 3, 2023, and the responses to Plaintiff's requests sent on
3 August 23 would be due on October 9, 2023. (*Id.* at 1.)

4 Plaintiff's counsel filed an opposition on September 13, 2023, arguing that Federal Rules
5 of Civil Procedure 33 and 36 only provide for 30 days for discovery request response. (Doc. 62
6 at 2.) Plaintiff further argues that there is no good cause basis "other than it take time to respond
7 to regular discovery requests" and contends that Plaintiff has suffered "a delay of over three-and-
8 a-half years since the filing of the lawsuit and still has not received discovery responses." (*Id.*)
9 Plaintiff further notes that many of the production requests in the August 18, 2023 request are
10 identical to requests propounded in March 2021. (*Id.*)

11 Having reviewed Defendant Burnes's motion for administrative relief to extend deadlines
12 to respond to discovery requests (Doc. 61), and Plaintiff's opposition (Doc. 62), and good cause
13 appearing, IT IS HEREBY ORDERED THAT:

14 1. Defendant Burnes's deadline to respond to Plaintiff's First Set of Requests for
15 Production, First Set of Requests for Admission, and First Set of Interrogatories (propounded on
16 August 18, 2023), is extended to October 3, 2023.

17 2. Defendant Burnes's deadline to respond to Plaintiff's Second Set of Requests for
18 Production (propounded on August 23, 2023) is extended to October 9, 2023.

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20 IT IS SO ORDERED.

21 Dated: September 22, 2023

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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